

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VALENTIN ZUNIGA,

Plaintiff

Case No. 2:23-cv-01782-JAD-BNW

ORDER

v.

SENIOR OFFICER GARCIA, et al.,

Defendants

On November 1, 2023, plaintiff Valentin Zuniga, an inmate in the custody of the Nevada Department of Corrections, submitted a civil-rights complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). The application to proceed *in forma pauperis* is incomplete because Plaintiff did not include a financial certificate and an inmate trust fund account statement for the previous six-month period with it.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

For the foregoing reasons, it is ordered that **on or before March 25, 2024**, Plaintiff will either pay the full \$402 filing fee or file with the Court (1) a completed financial certificate that is

1 signed both by the inmate and the prison or jail official and (2) a copy of the inmate's trust fund
2 account statement for the previous six-month period.

3 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he
4 fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the
5 case with the Court, under a new case number, when he can either pay the required filing fee or
6 file a complete application to proceed *in forma pauperis*.

7 It is further ordered that the Clerk of the Court will send Plaintiff Valentin Zuniga the
8 approved form application to proceed *in forma pauperis* for an inmate and instructions for the
9 same.

10 DATED this 25th day of January 2024.

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13 UNITED STATES MAGISTRATE JUDGE
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